

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JESSIE JAMES YODER,**

**Plaintiff,**

**vs.**

**No. \_\_\_\_\_**

**CITY OF LAS CRUCES,**

**Defendant.**

**NOTICE OF REMOVAL**

Defendant City of Las Cruces, by and through its counsel, the City Attorney's Office for the City of Las Cruces (Robert A. Cabello, Senior Assistant City Attorney), hereby removes this action to the United States District Court for the District of New Mexico. In support of removal, Defendant states the following:

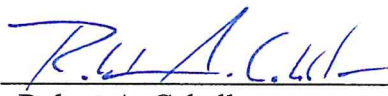
1. Defendant City of Las Cruces is a municipal government and political subdivision of the State of New Mexico.
2. This Court has jurisdiction under 28 U.S.C. § 1441, and this case arises under 42 U.S.C. § 1983, asserting claims of violation of Jessie James Yoder's Fourth Amendment Rights and involves federal questions.
3. The United States District Court for the District of New Mexico is the proper court to remove actions from the Third Judicial District Court for the State of New Mexico.
4. Pursuant to 28 U.S.C. § 1446, Defendant has attached hereto as Exhibit A copies of all process, pleadings, and orders that have been filed in this matter.

5. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within 30 days after Defendant's receipt, through service or otherwise, of a copy of an initial pleading setting forth a claim for relief.

WHEREFORE, Defendant hereby gives notice that this action is removed to the United States District Court for the District of New Mexico.

Respectfully submitted,

CITY OF LAS CRUCES

By:   
Robert A. Cabello  
Senior Assistant City Attorney  
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Las Cruces, NM 88004  
(575) 541-2128  
(575) 541-2017 Fax  
*Attorney for Defendant*  
*City of Las Cruces*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of November 2020, I filed the foregoing using CM/ECF, as more fully reflected on the Notice of Electronic Filing.

I further certify that on such date, I served the foregoing on the following non-CM/ECF participant in the manner indicated:

Via first-class mail, postage prepaid, addressed as follows:

Jessie James Yoder  
201 Montana # 175  
Las Cruces, NM 88005

  
Robert A. Cabello